

AMENDED IN ASSEMBLY JUNE 4, 2009

AMENDED IN SENATE APRIL 16, 2009

SENATE BILL

No. 678

Introduced by Senators Leno and Benoit
(Coauthors: Senators Ducheny, Hancock, Oropeza, and Steinberg)

February 27, 2009

An act to add *and repeal* Chapter 3 (commencing with Section 1228) ~~to~~ of Title 8 of Part 2 of the Penal Code, relating to probation, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 678, as amended, Leno. Criminal recidivism.

Existing law establishes provisions authorizing the Department of Corrections and Rehabilitation to oversee programs for the purposes of reducing parolee recidivism.

This bill would authorize each county to establish a Community Corrections Performance ~~Incentive~~ *Incentives* Fund (CCPIF) and would ~~require authorize~~ the state to annually allocate money into ~~each county's fund~~ a *State Corrections Performance Incentives Fund* to be used for specified purposes relating to improving *local* probation supervision practices and capacities, as specified. This bill would require the Director of Finance, *in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officer of California, and the Administrative Office of the Courts*, to calculate the amount of money to be appropriated from the ~~General Fund~~ *state fund* into a CCPIF ~~fund~~. This bill would specify that the calculation would be based on costs avoided by the Department of Corrections and Rehabilitation because of a reduction in the percentage of ~~people~~ *adult probationers* sent to prison for a probation

failure, as specified. This bill would also require each county using CCPIF funds to identify and track specific outcome-based measures, as specified, and report to the Administrative Office of the Courts on the effectiveness of the programs paid for by the CCPIF.

This bill would require the community corrections programs to be developed and implemented by *the chief probation officer*, as advised by a Community Corrections Partnership. This bill would require specified local officials to serve as part of that Community Corrections Partnership. Because this bill would increase the duties for certain local officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 California Community Corrections Performance—~~Incentive~~
3 *Incentives* Act of 2009.

4 SEC. 2. Chapter 3 (commencing with Section 1228) is added
5 to Title 8 of Part 2 of the Penal Code, to read:

6
7 CHAPTER 3. CALIFORNIA COMMUNITY CORRECTIONS
8 PERFORMANCE INCENTIVES
9

10 1228. The Legislature finds and declares all of the following:

11 (a) In 2007, nearly 270,000 felony offenders were subject to
12 probation supervision in California's communities.

13 (b) In 2007, out of 46,987 new admissions to state prison, nearly
14 20,000 were felony offenders who were committed to state prison
15 after failing probation supervision.

16 (c) Probation is a judicially imposed suspension of sentence
17 that attempts to supervise, treat, and rehabilitate offenders while
18 they remain in the community under the supervision of the

1 probation department. Probation is a linchpin of the criminal justice
2 system, *closely aligned with the courts*, and plays a central role in
3 promoting public safety in California’s communities.

4 (d) Providing sustainable funding for improved, evidence-based
5 probation supervision practices and capacities will improve public
6 safety outcomes among adult felons who are on probation.
7 Improving felony probation performance, measured by a reduction
8 in felony probationers who are sent to prison because they were
9 revoked on probation or convicted of another crime while on
10 probation, will reduce the number of new admissions to state
11 prison, saving taxpayer dollars and allowing a portion of those
12 state savings to be redirected to probation for investing in
13 community corrections programs.

14 1229. As used in this chapter, the following definitions apply:

15 (a) “Community corrections” means the placement of persons
16 convicted of a felony offense under probation supervision, with
17 conditions imposed by a court for a specified period.

18 (b) “Chief probation officer” means the chief probation officer
19 for the county or city and county in which an adult offender is
20 subject to probation for the conviction of a felony offense.

21 (c) ~~“Community Corrections Program”~~ *corrections program*
22 means a program established pursuant to this act consisting of a
23 system of felony probation supervision services dedicated to all
24 of the following goals:

25 (1) Enhancing public safety through the management and
26 reduction of offender risk while under felony probation supervision
27 and upon reentry from jail into the community.

28 (2) Providing a range of probation supervision tools, sanctions,
29 and services applied to felony probationers based on a risk/needs
30 assessment for the purpose of reducing criminal conduct and
31 promoting behavioral change that results in reducing recidivism
32 and promoting the successful reintegration of offenders into the
33 community.

34 (3) Maximizing offender restitution, reconciliation, and
35 restorative services to victims of crime.

36 (4) Holding offenders accountable for their criminal behaviors
37 and for successful compliance with applicable court orders and
38 conditions of supervision.

39 (5) Improving public safety outcomes for persons placed on
40 probation for a felony offense, as measured by their successful

1 completion of probation and commensurate reduction in the rate
2 of felony probationers sent to prison as a result of a probation
3 revocation or conviction of a new crime.

4 (d) “Evidence-based practices” refers to supervision policies,
5 procedures, programs, and practices demonstrated by scientific
6 research to reduce recidivism among individuals under probation,
7 parole, or ~~post-release~~ *postrelease* supervision.

8 1230. (a) Each county is hereby authorized to establish in each
9 county treasury a Community Corrections Performance Incentive
10 Fund (CCPIF), to receive all amounts allocated to that county for
11 purposes of implementing this chapter.

12 (b) In any fiscal year for which a county receives ~~money~~ *moneys*
13 to be expended for the implementation of this chapter, ~~the county~~
14 ~~auditor shall allocate moneys in the county’s CCPIF, including~~
15 ~~any interest or other return earned on the investment of those~~
16 ~~moneys, within 30 days of the deposit of those moneys into the~~
17 ~~fund, and shall allocate those moneys in accordance with all of the~~
18 ~~following requirements:~~

19 ~~(1) One hundred percent to the chief probation officer in his or~~
20 ~~her capacity as head of the county probation department responsible~~
21 ~~for supervising adult felony probationers, hereinafter “probation,”~~
22 ~~to implement the community corrections program authorized by~~
23 ~~this chapter. the moneys, including any interest, shall be made~~
24 ~~available to the chief probation officer (CPO) of that county, within~~
25 ~~30 days of the deposit of those moneys into the fund, for the~~
26 ~~implementation of the community corrections program authorized~~
27 ~~by this chapter.~~

28 ~~(2)~~

29 (1) The community corrections program shall be developed and
30 implemented by probation and advised by a local Community
31 Corrections Partnership.

32 ~~(3)~~

33 (2) The local Community Corrections Partnership shall be
34 chaired by the chief probation officer and comprised of the
35 following membership:

36 (A) The presiding judge of the superior court, or his or her
37 designee.

38 (B) The chief administrative officer for the county.

39 (C) The district attorney.

40 (D) The public defender.

1 (E) The sheriff.

2 (F) A chief of police.

3 (G) The head of the county department of social services.

4 (H) The head of the county department of mental health.

5 (I) The head of the county department of employment.

6 (J) The head of the county alcohol and substance abuse
7 programs.

8 (K) The head of the county office of education.

9 (L) A representative from a community-based organization with
10 experience in successfully providing rehabilitative services to
11 persons who have been convicted of a criminal offense.

12 ~~(4)~~

13 (3) Funds allocated to probation pursuant to this act shall be
14 used to provide supervision and rehabilitative services for adult
15 felony offenders subject to probation, and shall be spent on
16 evidence-based community corrections practices and programs,
17 *as defined in subdivision (c) of Section 1229*, which may include,
18 but are not limited to, the following:

19 (A) Implementing and expanding evidence-based risk and needs
20 assessments.

21 (B) Implementing and expanding intermediate sanctions that
22 include, but are not limited to, electronic monitoring, mandatory
23 community service, home detention, day reporting, restorative
24 justice programs, work furlough programs, and incarceration in
25 county jail for up to 90 days.

26 (C) Providing more intensive probation supervision.

27 (D) Expanding the availability of evidence-based rehabilitation
28 programs including, but not limited to, drug and alcohol treatment,
29 mental health treatment, anger management, cognitive behavior
30 programs, and job training and employment services.

31 (E) Evaluating the effectiveness of rehabilitation and supervision
32 programs and ensuring program fidelity.

33 ~~(5)~~

34 (4) The chief probation officer shall have discretion to spend
35 funds on any of the above practices and programs consistent with
36 this act but, at a minimum, shall devote at least 5 percent of all
37 ~~funding received to expanding the availability of rehabilitation~~
38 ~~programs and evaluating funding received to evaluate the~~
39 ~~effectiveness of those programs and practices implemented with~~
40 ~~the funds provided pursuant to this chapter.~~ A chief probation

1 officer may petition the Administrative Office of the Courts to
2 have this restriction waived, and the Administrative Office of the
3 Courts shall have the authority to grant such a petition, ~~if there is~~
4 ~~already sufficient availability of evidence-based programs for adult~~
5 ~~probationers in that jurisdiction.~~ *petition, if the CPO can*
6 *demonstrate that the department is already devoting sufficient*
7 *funds to the evaluation of these programs and practices.*

8 (6)

9 (5) Each probation department receiving funds under this chapter
10 shall maintain a complete and accurate accounting of all funds
11 received pursuant to this chapter.

12 1231. (a) Community corrections programs funded pursuant
13 to this act shall identify and track specific outcome-based measures
14 consistent with the goals of this act.

15 (b) The Administrative Office of the Courts, in consultation
16 with the Chief Probation Officers of California, shall specify and
17 define minimum required outcome-based measures, which shall
18 include, but not be limited to, all of the following:

19 (1) The percentage of persons on felony probation who are being
20 supervised in accordance with evidence-based practices.

21 (2) The percentage of state moneys expended for programs that
22 are evidence-based, and a descriptive list of all programs that are
23 evidence-based.

24 (3) Specification of supervision policies, procedures, programs,
25 and practices that were eliminated.

26 (4) The percentage of persons on felony probation who
27 successfully complete the period of probation.

28 (c) ~~Each probation department~~ *chief probation officer* receiving
29 funding pursuant to ~~Section 1233~~ *Sections 1233 to 1233.6,*
30 *inclusive,* shall provide an annual written report to the
31 Administrative Office of the Courts *and the Department of*
32 *Corrections and Rehabilitation* evaluating the effectiveness of the
33 community corrections program, including, but not limited to, the
34 data described in subdivision (b).

35 (d) *The Administrative Office of the Courts shall, in consultation*
36 *with the chief probation officer of each county and the Department*
37 *of Corrections and Rehabilitation, provide a quarterly statistical*
38 *report to the Department of Finance including, but not limited to,*
39 *the following statistical information for each county:*

40 (1) *The number of felony filings.*

1 (2) *The number of felony convictions.*

2 (3) *The number of felony convictions in which the defendant*
3 *was sentenced to the state prison.*

4 (4) *The number of felony convictions in which the defendant*
5 *was granted probation.*

6 (5) *The adult felon probation population.*

7 (6) *The number of felons who had their probation revoked and*
8 *were sent to prison for that revocation.*

9 (7) *The number of adult felony probationers sent to state prison*
10 *for a conviction of a new felony offense, including when probation*
11 *was revoked or terminated.*

12 1232. Commencing no later than 18 months following the
13 initial receipt of funding pursuant to this act and annually
14 thereafter, the Administrative Office of the Courts, in consultation
15 with the Department of Corrections and Rehabilitation, the
16 Department of Finance, and the Chief Probation Officers of
17 California, shall submit to the Governor and the Legislature a
18 comprehensive report on the implementation of this act. The report
19 shall include, but not be limited to, all of the following information:

20 (a) The effectiveness of the community corrections program
21 based on the reports of performance-based outcome measures
22 required in Section 1231.

23 (b) The percentage of felony probationers whose probation was
24 revoked for the year on which the report is being made.

25 (c) The percentage of felony probationers who were convicted
26 of crimes during their term of probation for the year on which the
27 report is being made.

28 (d) The impact of the moneys appropriated pursuant to this act
29 to enhance public safety by reducing the percentage and number
30 of felony probationers whose probation was revoked for the year
31 being reported on for probation violations or new convictions, and
32 to reduce the number of felony probationers who are sent to prison
33 for the year on which the report is being made.

34 (e) Any recommendations regarding resource allocations or
35 additional collaboration with other state, regional, federal, or local
36 entities, or other for improvements to this act.

37 ~~1233. (a) Baseline Calculation. The Director of Finance, in~~
38 ~~consultation with the Department of Corrections and Rehabilitation,~~
39 ~~the Joint Legislative Budget Committee, and the Administrative~~
40 ~~Office of the Courts, shall calculate a baseline felony probation~~

1 ~~revocation rate for each county based on the average number of~~
2 ~~felony probationers who entered state prison from that county for~~
3 ~~the fiscal years 2006–07, 2007–08, and 2008–09 as a result of a~~
4 ~~probation revocation or conviction for a new offense while on~~
5 ~~probation.~~

6 ~~(b) Annual Calculation. For the 2009–10 fiscal year, and each~~
7 ~~fiscal year thereafter, the Director of Finance, in consultation with~~
8 ~~the Department of Corrections and Rehabilitation, the Joint~~
9 ~~Legislative Budget Committee, and the Administrative Office of~~
10 ~~the Courts, shall calculate costs to the Department of Corrections~~
11 ~~and Rehabilitation that have been avoided, including costs~~
12 ~~associated with incarceration, community supervision, and parole~~
13 ~~revocations and revocation proceedings, due to reductions,~~
14 ~~calculated for each county and statewide, in the percentage of~~
15 ~~people on supervised felony probation whose probation is revoked~~
16 ~~and who are sentenced to serve a term of imprisonment in state~~
17 ~~prison, or who while on supervised probation are admitted to state~~
18 ~~prison after a conviction for a new offense, based on all of the~~
19 ~~following:~~

20 ~~(1) The felony probation revocation rate for each county based~~
21 ~~on the number of felony probationers who entered state prison~~
22 ~~from that county as a result of revocation of probation.~~

23 ~~(2) The felony probation revocation rate for each county based~~
24 ~~on the number of felony probationers who entered state prison~~
25 ~~from that county as a result of a conviction of a new felony while~~
26 ~~on probation.~~

27 ~~(c) The Legislature shall annually appropriate to the~~
28 ~~Administrative Office of the Courts 50 percent of any cost savings~~
29 ~~calculated pursuant to subdivision (b), to be deposited into the~~
30 ~~Community Corrections Performance Incentive Fund (CCPIF) of~~
31 ~~each county established pursuant to Section 1230 pursuant to all~~
32 ~~of the following provisions:~~

33 ~~(1) Twenty percent of the savings calculated pursuant to~~
34 ~~subdivision (b) attributable to that county, divided by 50 percent,~~
35 ~~as calculated pursuant to paragraphs (1) and (2) of subdivision (b),~~
36 ~~where the county's felony probation revocation rate for that year~~
37 ~~is less than the baseline felony probation revocation rate established~~
38 ~~pursuant to subdivision (a).~~

39 ~~(2) Forty percent of the savings calculated pursuant to~~
40 ~~subdivision (b) attributable to the county, divided by 50 percent,~~

1 as calculated pursuant to paragraphs (1) and (2) of subdivision (b);
2 where the county's felony probation revocation rate for that year
3 is at least 5 percent less than the baseline felony probation
4 revocation rate established pursuant to subdivision (a).

5 (3) One hundred percent of the savings calculated pursuant to
6 subdivision (b) attributable to the county, divided by 50 percent,
7 as calculated pursuant to paragraphs (1) and (2) of subdivision (b);
8 where the county's felony probation revocation rate for that year
9 is at least 10 percent less than the baseline felony probation
10 revocation rate established pursuant to subdivision (a).

11 (d) The moneys appropriated pursuant to this section shall be
12 used to supplement, not supplant, any other state or county
13 appropriation for the chief probation officer or the probation
14 department.

15 (e) Up to 3 percent of moneys appropriated to the Administrative
16 Office of the Courts pursuant to subdivision (c) shall be used for
17 the costs of administering this program.

18 (f) Any funds remaining in the CCPIF not allocated pursuant
19 to subdivision (c) may be awarded to chief probation officers for
20 counties that have achieved no reduction in the baseline set for
21 their county as follows:

22 (1) Applications for assistance grants under this subdivision
23 shall be competitive, based on grant applications which
24 demonstrate the applicant's ability to apply awarded funding as
25 prescribed in paragraph (2).

26 (2) Awards shall be limited to the following purposes:

27 (A) Assessing the county's current community corrections
28 practices and programs.

29 (B) Identifying any deficiencies in those practices and programs
30 which may be the basis for the county's felony probation revocation
31 rate.

32 (C) Implementing evidence-based community corrections
33 strategies authorized by this act.

34 (3) Awards granted pursuant to this subdivision shall be awarded
35 to one county for no more than two fiscal years.

36 (4) Awards granted pursuant to this subdivision shall not exceed
37 10 percent of a county's maximum allocation as calculated in
38 subdivision (c).

39 (5) The moneys appropriated pursuant to this section shall be
40 used to supplement, not supplant, any other state or county

1 ~~appropriation for the chief probation officer or the probation~~
2 ~~department.~~

3 ~~(g) Funds unexpended by county probation departments at the~~
4 ~~end of the fiscal year in which they are awarded may, with the~~
5 ~~approval of the Administrative Office of the Courts, be carried~~
6 ~~over into the next fiscal year if such funds constitute no more than~~
7 ~~10 percent of the total funding. Unexpended funds in excess of 10~~
8 ~~percent of the total funding awarded, or funds not approved by the~~
9 ~~Administrative Office of the Courts to be carried over into the next~~
10 ~~fiscal year, shall be returned to the CCPIF for purposes consistent~~
11 ~~with this section.~~

12 ~~(h) Moneys received through appropriations pursuant to this~~
13 ~~title shall be used for purposes set forth in paragraph (4) of~~
14 ~~subdivision (b) of Section 1230.~~

15 ~~(i) Notwithstanding any other provision, none of the savings~~
16 ~~calculated in subdivision (b) shall be appropriated to any CCPIF~~
17 ~~where there is no reduction under the baseline set in subdivision~~
18 ~~(a) in the percentage of individuals supervised by probation in that~~
19 ~~county who are convicted of a new felony offense, or revoked~~
20 ~~from probation and sent to prison, as determined in subdivision~~
21 ~~(b).~~

22 *1233. (a) The Director of Finance, in consultation with the*
23 *Department of Corrections and Rehabilitation, the Joint Legislative*
24 *Budget Committee, the Chief Probation Officers of California,*
25 *and the Administrative Office of the Courts, shall calculate for*
26 *each county a baseline probation failure rate that equals the*
27 *average number of adult felony probationers sent to state prison*
28 *during calendar years 2006 to 2008, inclusive, as a percentage of*
29 *the average adult felony probation population during the same*
30 *period.*

31 *(b) For purposes of calculating the baseline probation failure*
32 *rate, the number of adult felony probationers sent to prison shall*
33 *include those adult felony probationers sent to state prison for a*
34 *revocation of probation, as well as adult felony probationers sent*
35 *to state prison for a conviction of a new felony offense. The*
36 *calculation shall also include adult felony probationers sent to*
37 *prison for conviction of a new crime who simultaneously have*
38 *their probation term terminated.*

39 *1233.1. After the conclusion of each calendar year following*
40 *the enactment of this section, the Director of Finance, in*

1 consultation with the Department of Corrections and
2 Rehabilitation, the Joint Legislative Budget Committee, the Chief
3 Probation Officers of California, and the Administrative Office of
4 the Courts, shall calculate the following for that calendar year:

5 (a) The cost to the state to incarcerate in prison and supervise
6 on parole a probationer sent to prison. This calculation shall take
7 into consideration factors, including, but not limited to, the average
8 length of stay in prison and on parole for probationers, as well as
9 the associated parole revocation rates, and revocation costs.

10 (b) The statewide probation failure rate. The statewide probation
11 failure rate shall be calculated as the total number of adult felony
12 probationers statewide sent to prison in the previous year as a
13 percentage of the statewide adult felony probation population as
14 of June 30 of that year.

15 (c) A probation failure rate for each county. Each county's
16 probation failure rate shall be calculated as the number of adult
17 felony probationers sent to prison from that county in the previous
18 year as a percentage of the county's adult felony probation
19 population as of June 30 of that year.

20 (d) An estimate of the number of adult felony probationers each
21 county successfully prevented from being sent to prison. For each
22 county, this estimate shall be calculated based on the reduction
23 in the county's probation failure rate as calculated annually
24 pursuant to subdivision (c) of this section and the county's baseline
25 probation failure rate as calculated pursuant to Section 1233. In
26 making this estimate, the Director of Finance, in consultation with
27 the Department of Corrections and Rehabilitation, the Joint
28 Legislative Budget Committee, the Chief Probation Officers of
29 California, and the Administrative Office of the Courts, shall adjust
30 the calculations to account for changes in each county's adult
31 felony probation caseload in the most recent completed calendar
32 year as compared to the county's adult felony probation population
33 during the period 2006 to 2008, inclusive.

34 (e) In calculating probation failure rates for the state and
35 individual counties, the number of adult felony probationers sent
36 to prison shall include those adult felony probationers sent to state
37 prison for a revocation of probation, as well as adult felony
38 probationers sent to state prison for a conviction of a new felony
39 offense. The calculation shall also include adult felony

1 *probationers who are sent to prison for conviction of a new crime*
2 *and who simultaneously have their probation terms terminated.*

3 *1233.2. Annually, after the conclusion of each calendar year,*
4 *the Director of Finance, in consultation with the Department of*
5 *Corrections and Rehabilitation, the Joint Legislative Budget*
6 *Committee, the Chief Probation Officers of California, and the*
7 *Administrative Office of the Courts, shall identify the appropriate*
8 *Probation Revocation Tier for each county for which it was*
9 *estimated that the county successfully prevented any number of*
10 *adult felony probationers from being sent to state prison, as*
11 *provided in subdivision (d) of Section 1233.1. The tiers shall be*
12 *defined as follows:*

13 *(a) Tier 1. A Tier 1 county is one which has a probation failure*
14 *rate, as defined in subdivision (c) of Section 1233.1, that is no*
15 *more than 25 percent higher than the statewide probation failure*
16 *rate, as defined in subdivision (b) of Section 1233.1.*

17 *(b) Tier 2. A Tier 2 county is one which has a probation failure*
18 *rate, as defined in subdivision (c) of Section 1233.1, that is more*
19 *than 25 percent above the statewide probation failure rate, as*
20 *defined in subdivision (b) of Section 1233.1.*

21 *1233.3. Annually, the Director of Finance, in consultation with*
22 *the Department of Corrections and Rehabilitation, the Joint*
23 *Legislative Budget Committee, the Chief Probation Officers of*
24 *California, and the Administrative Office of the Courts, shall*
25 *calculate a probation failure reduction incentive payment for each*
26 *eligible county, pursuant to Section 1233.2, for the most recently*
27 *completed calendar year, as follows:*

28 *(a) For a county identified as being in Tier 1, as defined in*
29 *subdivision (a) of Section 1233.2, its probation failure reduction*
30 *incentive payment shall equal the estimated number of probationers*
31 *successfully prevented from being sent to prison, as defined by*
32 *subdivision (d) of Section 1233.1, multiplied by 45 percent of the*
33 *costs to the state to incarcerate in prison and supervise on parole*
34 *a probationer who was sent to prison, as defined in subdivision*
35 *(a) of Section 1233.1.*

36 *(b) For a county identified as being in Tier 2, as defined in*
37 *subdivision (b) of Section 1233.2, its probation failure reduction*
38 *incentive payment shall equal the estimated number of probationers*
39 *successfully prevented from being sent to prison, as defined by*
40 *subdivision (d) of Section 1233.1, multiplied by 40 percent of the*

1 *costs to the state to incarcerate in prison and supervise on parole*
2 *a probationer who was sent to prison, as defined in subdivision*
3 *(a) of Section 1233.1.*

4 *1233.4. (a) It is the intent of the Legislature for counties*
5 *demonstrating high success rates with adult felony probationers*
6 *to have access to performance-based funding as provided for in*
7 *this section.*

8 *(b) On an annual basis, the Department of Finance, in*
9 *consultation with the Department of Corrections and*
10 *Rehabilitation, the Joint Legislative Budget Committee, the Chief*
11 *Probation Officers of California, and the Administrative Office of*
12 *the Courts, shall calculate 5 percent of the savings to the state*
13 *attributed to those counties that successfully reduce the number*
14 *of adult felony probationers sent to state prison.*

15 *(c) The savings estimated pursuant to subdivision (b) shall be*
16 *used to provide high performance grants to county probation*
17 *departments for the purpose of bolstering evidence-based probation*
18 *practices designed to reduce recidivism among adult felony*
19 *probationers.*

20 *(d) County probation departments eligible for these high*
21 *performance grants shall be those with adult probation failure*
22 *rates more than 50 percent below the statewide average in the*
23 *most recently completed calendar year.*

24 *(e) A county probation department may receive a high*
25 *performance grant under this section in a year in which it does*
26 *not also receive a probation failure reduction incentive payment*
27 *as provided for in Section 1233.3. The CPO of a county that*
28 *qualifies for both a high performance grant and a probation failure*
29 *reduction incentive payment shall indicate to the Administrative*
30 *Office of the Courts, by a date designated by the Administrative*
31 *Office of the Courts, whether the CPO chooses to receive the high*
32 *performance grant or probation failure reduction payment.*

33 *(f) The grants provided for in this section shall be administered*
34 *by the Administrative Office of the Courts. The Administrative*
35 *Office of the Courts shall seek to ensure that all qualifying*
36 *probation departments that submit qualifying applications receive*
37 *a proportionate share of the grant funding available based on the*
38 *population of adults ages 18 to 25, inclusive, in each of the counties*
39 *receiving the grants.*

1 1233.5. *If data of sufficient quality and of the types required*
2 *for the implementation of this act are not available to the Director*
3 *of Finance, then the Director of Finance, in consultation with the*
4 *Department of Corrections and Rehabilitation, the Joint Legislative*
5 *Budget Committee, and the Administrative Office of the Courts,*
6 *shall use the best available data to estimate probation failure*
7 *reduction incentive payments and high performance grants utilizing*
8 *a methodology that is as consistent with that described in this act*
9 *as is reasonably possible.*

10 1233.6. (a) *Probation failure reduction incentive payments*
11 *and high performance grants calculated for any calendar year*
12 *shall be provided to counties in the following fiscal year. The total*
13 *annual payment to each county shall be divided into four equal*
14 *quarterly payments.*

15 (b) *The Department of Finance shall include an estimate of the*
16 *total probation failure reduction incentive payments and high*
17 *performance grants to be provided to counties in the coming fiscal*
18 *year as part of the Governor's proposed budget released no later*
19 *than January 10 of each year. This estimate shall be adjusted by*
20 *the Department of Finance, as necessary, to reflect the actual*
21 *calculations of probation revocation incentive payments and high*
22 *performance grants completed by the Director of Finance, in*
23 *consultation with the Department of Corrections and*
24 *Rehabilitation, the Joint Legislative Budget Committee, the Chief*
25 *Probation Officers of California, and the Administrative Office of*
26 *the Courts. This adjustment shall occur as part of standard budget*
27 *revision processes completed by the Department of Finance in*
28 *April and May of each year.*

29 (c) *There is hereby established a State Community Corrections*
30 *Performance Incentives Fund. Moneys budgeted for purposes of*
31 *providing probation revocation incentive payments and high*
32 *performance grants authorized in Sections 1230 to 1233.6,*
33 *inclusive, shall be deposited into this fund. Any moneys deposited*
34 *into this fund shall be administered by the Administrative Office*
35 *of the Courts and the share calculated for each county probation*
36 *department shall be transferred to its Community Corrections*
37 *Performance Incentives Fund authorized in Section 1230. The*
38 *Legislature may allocate up to 3 percent of the funds annually*
39 *deposited into the State Community Corrections Performance*

1 *Incentives Fund for use by the Administrative Office of the Courts*
2 *for the costs of administering this program.*

3 *1233.7. The moneys appropriated pursuant to this chapter*
4 *shall be used to supplement, not supplant, any other state or county*
5 *appropriation for the chief probation officer or the probation*
6 *department.*

7 *1233.8. This chapter shall remain in effect only until January*
8 *1, 2015, and as of that date is repealed, unless a later enacted*
9 *statute, that is enacted before January 1, 2015, deletes or extends*
10 *that date.*

11 *SEC. 3. The Judicial Council shall consider the adoption of*
12 *appropriate modifications to the Criminal Rules of Court, and of*
13 *other judicial branch policies, procedures, and programs, affecting*
14 *felony probation services that would support implementation of*
15 *the evidence-based probation supervision practices described in*
16 *this chapter.*

17 ~~SEC. 3.~~

18 *SEC. 4. If the Commission on State Mandates determines that*
19 *this act contains costs mandated by the state, reimbursement to*
20 *local agencies and school districts for those costs shall be made*
21 *pursuant to Part 7 (commencing with Section 17500) of Division*
22 *4 of Title 2 of the Government Code.*